

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAMES S. NOLAND,

Plaintiff,

v.

No. CIV-08-0056 JB/LFG

CITY OF ALBUQUERQUE; BERNALILLO COUNTY BOARD OF COMMISSIONERS; BERNALILLO COUNTY METROPOLITAN DETENTION CENTER; Bernalillo County Metropolitan Detention Center Administrator HARRY TIPTON, in his individual and official capacities; Bernalillo County Metropolitan Detention Center Administrator MIKE SISNEROS, in his individual and official capacities; Bernalillo County Metropolitan Detention Center Administrator RONALD TORRES, in his individual and official capacities; Bernalillo County Metropolitan Detention Center Administrator HENRY PEREA, in his individual and official capacities; Bernalillo County Metropolitan Detention Center Administrator DONALD CRUTCHFIELD, in his individual and official capacities; Bernalillo County Metropolitan Detention Center Administrator MATT CANDELARIA, in his individual and official capacities; Bernalillo County Metropolitan Detention Center Administrator JUAN CHACON, in his individual and official capacities; Bernalillo County Metropolitan Detention Center Administrator MATT ELWELL, in his individual and official capacities; Bernalillo County Metropolitan Detention Center Administrator PAUL SALCIDO, in his individual and official capacities; Bernalillo County Metropolitan Detention Center Administrator ERIN WORSHAM, in her individual and official capacities; Bernalillo County Metropolitan Detention Center Correctional Officer DANNY SISNEROS, in his individual and official capacities; Bernalillo County Metropolitan Detention Center Correctional Officer ERNEST WICKAM, in his individual and official capacities; Bernalillo County Metropolitan Detention Center Correctional Officer JOSE HERNANDEZ, in his individual and official capacities,

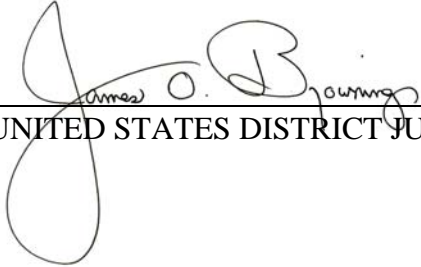
Defendants.

ORDER

THIS MATTER comes before the Court on pro se Plaintiff James S. Noland's Motion to Adopt Proposed Scheduling Order, filed April 14, 2009 (Doc. 55). Noland prepared his motion without the Defendants' participation and submitted a proposed scheduling order before the Court

set a scheduling conference. Noland's unilateral request for a scheduling order was contrary to the Federal Rules of Civil Procedure. See Fed. R. Civ. P. 16(b); id. 26(f). The Court has set a scheduling conference for October 28, 2009, see Initial Scheduling Order, filed September 30, 2009 (Doc. 63), and the parties have now submitted a joint status report and provisional discovery plan, see Doc. 68. The Court will, therefore, deny Noland's motion.

IT IS ORDERED that the Motion to Adopt Proposed Scheduling Order (Doc. 55) is denied.



UNITED STATES DISTRICT JUDGE

Counsel and Parties:

James S. Noland
Corrales, New Mexico

Pro Se Plaintiff

Marcus J. Rael, Jr.
Erika E. Anderson
Robles, Rael & Anaya, P.C.
Albuquerque, New Mexico

Attorneys for Defendants Bernalillo County Board of Commissioners, Bernalillo County Metropolitan Detention Center, Mike Sisneros, Ronald Torres, Henry Perea, Matt Candelaria, Juan Chacon, Matt Elwell, Paul Salcido, Erin Worsham, Danny Sisneros, and Jose Hernandez

Robert M. White
Kathryn Levy
Albuquerque City Attorneys Office
Albuquerque, New Mexico

Attorneys for Defendants City of Albuquerque, Harry Tipton, Donald Crutchfield, and Ernest Wickam